THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No.21029 of 1997

18-04-2007

Between:-

P. Srrenivasa Prabhu

Petitioner

And

The Chairman,
Chaitanya Grameena Bank,
Head Office, 14-8-5,
Ponnuruvari Street,
Tenali, Guntur district.

Respondents

THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No. 21029 of 1997

Oral order:

The petitioner, an officer of the Chaitanya Grameena Bank, Varri Cherukuru, Guntur district challenges the show cause notice dated 24-05-1997. The show cause notice states that the petitioner was convicted by the Special Judge for C.B.I. Cases, Visakhapatnam in C.C.No.10 of 1994 by the order dated 31-12-1996, for offences under Sections 120(B), 420, 467 read with Sections 471 and 477 (A) IPC and sentenced him to rigorous imprisonment for a period of six months and to a fine of Rs.500-00 for each of the aforesaid offences; and that in another case in C.C.No.11 of 1994 by the order dated

31-12-1996, was convicted for offences under Sections

120 (B), 465, 471, 420 and 409 IPC and Sections 5 (1)(C) read with Sections 5 (2) and 5 (1) (d) read with Section 5 (2) of the PC Act, 1947 and sentenced to rigorous imprisonment for six months and to a fine of Rs.500-00 for each of the aforesaid offences. In view of the provisions of Section 10(1)(b) of the Banking Regulation Act, 1949, since no banking company is permitted to employ or continue an employee who has been convicted by a criminal Court for an offence involving moral turpitude, the petitioner should show cause why the bank should not impose on him the punishment of dismissal from service on account of the conviction.

It would appear that eventually the petitioner was dismissed from service on 08-09-1997. Thereafter in Crl.A.No.11 of 1997 and Crl.A.No.13 of 1997 preferred against the judgments in C.C.Nos. 10 and 11 of 1994, this Court by the order dated 05-11-2002 allowed the appeals and set aside the convictions recorded by the trial Court. The petitioner made a representation to the respondent on 28-02-2003 seeking reinstatement into service with all consequential benefits in terms of Regulation 29 (4) of the Service Regulation, 1983, consequent on his acquittal in the appeals. As there was no response, the petitioner also filed W.P.M.P.No. 16513 of 2003 in this writ petition on 04-07-2003 for a direction to the respondent to reinstate him into service. No orders were passed on the said miscellaneous petition. However the respondent-

employer reinstated the petitioner into service. The petitioner has not chosen to assail the order of dismissal passed on 08-09-1997 either in this writ petition or in any other writ petition.

In view of the totality of the circumstances adverted to above and in particular as to what is challenged in the writ petition is a mere show cause notice, which is seen to suffer no infirmity whatsoever, no case is made out for grant of any relief. The writ petition is accordingly dismissed. No costs.

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GODA RAGHURAM, J

Dated:18-04-2007
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